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 10 SANTA CLARA VALLEY MEDICAL
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 12 ALFONSO BANUELOS, M.D.,
 13 DOLLY GOEL, M.D., and
 14 PETER GREGOR, M.D.

15 UNITED STATES DISTRICT COURT
 16 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 17 (San Francisco)

18 THRESSA WALKER et al.,

19 Plaintiffs,

20 v.

21 COUNTY OF SANTA CLARA et al.,

22 Defendants.

No. 10-CV-04668 RS

**REVISED STIPULATION AND
~~[PROPOSED]~~ ORDER MODIFYING THE
 CASE MANAGEMENT SCHEDULING
 ORDER**

23 The parties stipulate and agree to an order modifying the Case Management Scheduling
 24 Order to allow preparation for and participation in a third mediation session presently scheduled for
 25 October 11, 2012. This is a second request to modify the initial Case Management Scheduling
 26 Order. If this third mediation session is unsuccessful in resolving the claims of Plaintiffs Geeta
 27 Singh, M.D. ("Singh") and/or Kai Ihnken, M.D. ("Ihnken"), the parties are respectfully requesting
 28 additional time to complete extensive discovery, file dispositive motions, and otherwise prepare for
 trial.

The respective parties believe good cause exists for further modifying the Case Management
 Scheduling Order. There has been a concerted effort to avoid expensive, time-consuming discovery
 and instead focus on the prospect of settlement. The parties participated in a private mediation

1 session with Attorney Charles F. Hawkins on February 27 and 28, 2012, and made significant
2 progress toward negotiating a resolution. At the initial Case Management Conference before Judge
3 Richard Seeborg on March 22, 2012, the parties advised there was a strong interest in pursuing a
4 further mediation session with Mr. Hawkins. That further session occurred on May 2, 2012, which
5 served to resolve the claims of Plaintiff Thressa Walker, but not the claims of Singh and Ihnken.

6 As of the second Case Management Conference held on July 19, 2012, the parties continued
7 to privately converse with Mr. Hawkins, but did not anticipate any further mediation session. The
8 parties had re-engaged in written and deposition discovery, and respectfully requested that the Court
9 consider extending for a short time discovery and dispositive motion-related dates in its initial Case
10 Management Scheduling Order dated March 23, 2012. After meeting and conferring, the parties
11 believed that necessary non-expert discovery would require approximately five months to complete,
12 and therefore requested that non-expert discovery close on December 28, 2012, expert discovery
13 take place during January/February 2013, and dispositive motions be heard by March 7, 2013. There
14 was no request to change the trial date of May 13, 2013. The Court favorably considered this
15 request and issued its second Case Management Scheduling Order on July 20, 2012.

16 Following July 20, 2012, and while engaged in written and deposition discovery, Singh and
17 Ihnken communicated lowered settlement demands signed by the respective Plaintiffs. These
18 lowered demands encouraged the County Defendants to return to the bargaining table and agree to
19 participate in a further mediation session with Mr. Hawkins. Unfortunately, the parties are unable to
20 secure a mediation date with Mr. Hawkins before he leaves for a European vacation on August 28,
21 and he is not scheduled to return until September 24, 2012. Thus far, Mr. Hawkins has expended
22 over 40 hours in two mediation sessions and in numerous telephone conferences. As the Court can
23 well appreciate, the parties have invested considerable time and money in the skilled efforts of Mr.
24 Hawkins and do not wish to retain an alternate mediator. And, at present the first available date for
25 mediation following Mr. Hawkins's return is October 11, 2012.

26 In the event the Court favorably considers this request to further modify the Case
27 Management Scheduling Order, the parties intend to enter into a "Stand-Still" agreement respecting
28 discovery until completion of this third mediation session. Such an agreement will avoid Plaintiffs

1 incurring further attorneys' fees and avoid the County further depleting its self-insured insurance
2 retention.

3 Another factor weighing in favor of approving this proposed modification is that the parties
4 already have trials scheduled with one another for April 29, 2013 (*Burrell, et al. v. County of Santa*
5 *Clara*, Case No. CV11-04569 LHK, before United States District Judge Lucy H. Koh) and May 6,
6 2013 (*Song, et al. v. County of Santa Clara*, Case No. CV11-04450 EJD before United States
7 District Judge Edward J. Davila), and if either of these cases proceed to trial this case will likely be
8 continued to a later date.

9 The following provides the Court with the pertinent dates respecting the initial and second
10 Case Management Scheduling Orders, and what the parties now propose:

11 Event	Initial Case Management Scheduling Order	Second Case Management Scheduling Order	Proposed Case Management Scheduling Order
12 Further Case Management 13 Conference	07/19/12	10/25/12	Nov./Dec. 2012 November 8, 2012
14 Complete Non-Expert 15 Discovery	10/26/12	12/28/12	05/17/13
16 Plaintiffs' Expert 17 Disclosure	11/15/12	01/17/13	06/07/13
18 Defendants' Expert Disclosure	11/30/12	02/01/13	06/28/13
19 Complete Expert 20 Discovery	12/21/12	02/22/13	07/19/13
21 Last Date to Hear Pretrial Motions	02/21/13	03/07/13	09/19/13
22 Pretrial Statements	04/18/13	04/18/13	11/14/13
23 Pretrial Conference	04/25/13	04/25/13	11/21/13
24 Trial Date	05/13/13	05/13/13	12/09/13

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1 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
2 “conformed” signature (/S/) within this efiled document.

3 LORI E. PEGG
4 ACTING COUNTY COUNSEL

5 Dated: August 20, 2012

By: /S/
6 GREGORY J. SEBASTINELLI
7 Deputy County Counsel

8 Attorneys for Defendants
9 COUNTY OF SANTA CLARA and its
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13 DOLLY GOEL, M.D., and
14 PETER GREGOR, M.D.

15 LAW OFFICES OF BONNER & BONNER

16 Dated: August 20, 2012

By: /S/
17 A. CABRAL BONNER, ESQ.

18 Attorneys for Plaintiffs
19 GEETA SINGH, M.D., and KAI IHNKEN, M.D.

20 ~~PROPOSED~~ ORDER

21 IT IS SO ORDERED that dates and deadlines set forth in the initial Case Management
22 Scheduling Order dated March 23, 2012 and the second (supplemental) Case Management
23 Scheduling Order dated July 20, 2012 are vacated, and new dates and deadlines will be set forth in a
24 third Case Management Scheduling Order issued shortly hereafter

25 Dated: 8/21/12

26 
27 RICHARD SEEBORG
28 United States District Court Judge